



EI-2942
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Preserving America's Heritage

May 9, 2007

Ms. Victoria Rutson
Chief
Section of Environmental Analysis
Surface Transportation Board
Washington, DC 20423

RE: *BNSF Railway Co. Abandonment*
Morrison County, Minnesota
STB Docket No. AB-6 (Sub-No. 438X)

Dear Ms. Rutson:

On May 8, 2007 the ACHP received from STB a Memorandum of Agreement (MOA) for the referenced undertaking that was developed in accordance with the Council's regulations, "Protection of Historic Properties" (36 CFR Part 800). Our regulations specify that the Agency Official must notify the ACHP of an adverse effect finding and provide the ACHP with an opportunity to participate in consultation if we so choose. We have no record of being notified by you of your finding of adverse effect prior to May 8, 2007, and, thus, we were precluded from participating in the consultation process that led to the development of the MOA.

In order for the ACHP to determine if it should reopen and participate in consultation for this project, STB will need to submit to us the following documentation specified in §800.11(e) and (f):

- A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, drawings, as necessary;
- A description of the steps taken to identify historic properties;
- A description of the affected historic properties, including information on the characteristics that qualify them for the National Register;
- A description of the undertaking's effects on historic properties;
- An explanation of why the criteria of adverse effect were found applicable or inapplicable, including any conditions or future actions to avoid, minimize or mitigate adverse effects;
- An evaluation of other measures considered, but rejected, to avoid or minimize the undertaking's adverse effects; and
- Copies of or summaries of any views provided by consulting parties and the public.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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Upon receipt of the additional information, we will determine within fifteen days whether we believe that consultation should be reopened. Pending receipt of our decision, STB should refrain from taking any actions or making any binding commitments that would foreclose the consideration of alternatives for the proposed railroad abandonment.

Should you have any questions, please contact me by telephone at (202) 606-8520 or by e-mail at kharris@achp.gov.

Sincerely,

A handwritten signature in black ink that reads "Katry Harris". The signature is written in a cursive, flowing style.

Katry Harris
Historic Preservation Specialist
Office of Federal Agency Programs